

FILED

OCT 29 1993

HOWARD HANSON
MARIN COUNTY CLERK
By P. Fan, Deputy

JAMES R. LANGFORD III
CABAR # 97671
500 Ygnacio Rd., Suite 490
Walnut Creek, CA 94596
(510) 947-0100
Attorney For SOLINA WALTON, *Intervenor*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
not-for-profit religious)
corporation,)

CASE NO. 157 680

Plaintiff,)

vs.)

ORDER EXPUNGING NOTICE OF
PENDENCY OF ACTION (LIS PENDENS)
AND FOR PAYMENT OF ATTORNEY FEES
AND COSTS

GERALD ARMSTRONG; MICHAEL)
WALTON; THE GERALD ARMSTRONG)
CORPORATION, a California for)
profit corporation; DOES 1)
through 100, inclusive,)

Date: *OCT. 29, 1993*
Time: *9:00 A.M.*
Location: *DEPT 1*
Trial Date:

Defendants.)

The motion of SOLINA WALTON for an order expunging notice of pendency of action (lis pendens) and for attorney fees and costs was heard on OCT 29, 1993, in Department 1 of the above-entitled Court before the Honorable GARY W. THOMAS. Plaintiff ~~appeared~~/did not appear by and through its attorney; defendant Michael Walton ~~appeared~~/did not appear In Pro Per, defendants Gerald Armstrong and the Gerald Armstrong Corporation ~~appeared~~/did not appear by and through their attorney; intervenor, Solina Walton ~~appeared~~/did not appear by and through her attorney.

The Court, having considered the evidence and points and authorities in support of and in opposition to the motion, and having heard argument from counsel, finds that the motion should be granted and that the notice of pendency of action (lis pendens)

recorded on August 5, 1993 in the office of the County Recorder of Marin County as instrument number 93-062800, and filed in the above-captioned action, should be expunged on the grounds that the within action does not affect title to or possession of specific real property or the use of an easement designated in the complaint; and the said lis pendens is therefore subject to expungement under the Code of Civil Procedure Section 405.31 and plaintiff has failed to establish the probable validity of the real property claim contained in the complaint by a preponderance of the evidence; and the said lis pendens is therefore subject to expungement under the Code of Civil Procedure Section 405.32; and that said notice of pendency of action (lis pendens) was defectively served and filed.

IT IS THEREFORE ORDERED THAT the notice of pendency of action (lis pendens) recorded on August 5, 1993 in the office of the County Recorder of Marin County as instrument number 93-062800 is hereby ordered expunged.

IT IS FURTHER ORDERED that plaintiff, Church of Scientology International, shall reimburse SOLINA WALTON the sum of \$ 3,500⁰⁰ for attorneys fees and costs of \$14⁰⁰

PAYABLE BEFORE DEC. 1st 1993.

Dated: *OCT. 29, 1993*

GARY W. THOMAS
Judge of the Superior Court